

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NINA BRYCE,

Plaintiff,

- against -

ORDER  
12-CV-1501 (RRM)(RML)

NATIONAL RAILROAD PASSENGER CORP.  
A/K/A AMTRAK, and JOHN DOE,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

Plaintiff filed her Verified Complaint in the Supreme Court of the State of New York, County of Queens, on February 8, 2012. Plaintiff alleged that John Doe, an employee of National Railroad Passenger Corp. ("Amtrak"), caused her injury when he ran over her foot with a luggage cart. Defendants removed the case to this Court on March 27, 2012.

On December 12, 2012, plaintiff's counsel filed a suggestion of death on the docket indicating that plaintiff Nina Bryce had passed away. Counsel further indicated that plaintiff's husband, who is not a party to this action, may want to continue to pursue it. On December 14, 2012, the Court instructed plaintiff to comply with Fed. R. Civ. P. 25(a), which provides that a motion for substitution of parties may be made "by any party or by the decedent's successor or representative," but must be made within 90 days after service of a statement noting the death or else "the action by or against the decedent must be dismissed." The Court instructed counsel to serve a copy of the December 14 Order on plaintiff's husband and any other person who may be authorized to act as decedent's successor or representative, and warned plaintiff that failure to comply with Rule 25(a) within 90 days would result in dismissal of this action.

Plaintiff has failed to respond to the Court's December 14, 2012 Order. In addition, plaintiff's counsel has not informed the Court whether he served the Order on any persons who may be authorized to serve as plaintiff's successor or representative. More than 90 days have now passed since plaintiff filed a suggestion of death with no motion to substitute by any party or any successor or representative of plaintiff.

Therefore, in accordance with Rule 25(a), this case is dismissed. The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: Brooklyn, New York  
September 1, 2013

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
United States District Judge